

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

November 24, 2015

Lyle W. Cayce
Clerk

No. 14-51107
Summary Calendar

D.C. Docket No. 7:14-CR-103-3

UNITED STATES OF AMERICA,

Plaintiff - Appellee

v.

DELFINO BUSTOS, also known as Defino Bustos,

Defendant - Appellant

Appeal from the United States District Court for the
Western District of Texas, Midland Odessa

Before BARKSDALE, CLEMENT, and ELROD, Circuit Judges.

J U D G M E N T

This cause was considered on the record on appeal and the briefs on file.

It is ordered and adjudged that the appeal is dismissed for lack of jurisdiction.



Certified as a true copy and issued
as the mandate on Nov 24, 2015

Attest:

Lyle W. Cayce
Clerk, U.S. Court of Appeals, Fifth Circuit

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DELFINO BUSTOS, also known as Defino Bustos,

Defendant - Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 7:14-CR-103-3

Before BARKSDALE, CLEMENT, and ELROD, Circuit Judges.

PER CURIAM:*

Delfino Bustos challenges his guilty-plea conviction for aiding and abetting possession, with intent to distribute, 50 grams or more of methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A), and 18 U.S.C. § 2, and his resulting 135-month sentence. He asserts the magistrate judge erred in declining to hold an evidentiary hearing on, or grant, his *pro se* motion to withdraw his guilty plea.

* Pursuant to 5th Cir. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5th Cir. R. 47.5.4.

No. 14-51107

“Generally, this court’s jurisdiction is limited to review the district court[’s] final orders, qualified interlocutory orders, and collateral orders.” *Goodman v. Harris Cty.*, 443 F.3d 464, 467 (5th Cir. 2006); 28 U.S.C. § 1291. Moreover, “it is well established that a magistrate judge’s order is not ‘final’ within the meaning of § 1291 and may not be appealed to this court directly”. *Sealed Appellee v. Sealed Appellant*, 765 F.3d 394, 395 (5th Cir. 2014) (quoting *Donaldson v. Ducote*, 373 F.3d 622, 624 (5th Cir.2004)). Because Bustos did not object to the magistrate judge’s order, or otherwise renew his motion, to the district court, we lack jurisdiction to consider his appeal. *See id.*

DISMISSED.

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

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600 S. MAESTRI PLACE
NEW ORLEANS, LA 70130

November 24, 2015

Ms. Jeannette Clack
Western District of Texas, Midland
United States District Court
200 E. Wall Street
Room 222
Midland, TX 79701-0000

No. 14-51107 USA v. Delfino Bustos
USDC No. 7:14-CR-103-3

Dear Ms. Clack,

Enclosed is a copy of the judgment issued as the mandate and a copy of the court's opinion.

Sincerely,

LYLE W. CAYCE, Clerk



By: _____
Rhonda M. Flowers, Deputy Clerk

cc:

Mr. Carlo D'Angelo
Ms. Margaret Mary Embry
Mr. Joseph H. Gay Jr.